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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/254,148	06/11/1999	JOHN WARWICK ADCOCK	663/35631	6526

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 04/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/25/98

Applicant(s)

Adcock

Examiner

Akers, G

Group Art Unit

2/64

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 6/11/99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-56 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-56 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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### DETAILED ACTION

1. Claims 1-56 have been examined.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-56 are rejected under 35 USC 103(a) as unpatentable over Rose(US Pat. No: 5,757,917) in view of Gifford(US Pat. No: 5,724,424).
4. As per claims 1, 36 Rose teaches a system for automatically conducting a business transaction between a user and a trader including a trader terminal including billing information representative of said trader(Fig 1/28/14)(col 2 line 63-col 3 line 67). Rose teaches an Internet network(col 2 lines 50-62)(Fig 1/12), a local communications link provided between said user terminal and said trader terminal.Rose further teaches the user terminal receiving and processing user information representative of the user and receiving and processing the billing information via the link in response to the order a communications network(col 3 lines 16-45) enabling the user terminal to communicate with the service provider wherein the user terminal transmits the billing information(col 3 lines 45-50) and the user information to the provider over the communications network whereupon the service provider automatically transfers funds of the user to the trader under the authorization of the user to effect a financial transaction between the user and the

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trader(col 3 line 51-col 4 line 65). Rose fails to teach a user terminal or user card associated with a user terminal. Gifford teaches this(Fig 1/62/61)(col 4 lines 43-52).Gifford further teaches an authorization system(col 7 line 66-col 8 line 24)(col 10 line 25-col 11 line 50)(Fig 13). It would have been obvious to one skilled in the art at the time of the invention to combine Rose in view of Gifford to teach the above. The motivation to combine is to teach a user interactive network sales system in which the user can deal with a variety of merchants and utilize existing financial instruments for payment as enunciated by Gifford(col 1 lines 50-58).

5. As per claims 2, 37 Rose teaches a system according to claims 1,36 wherein each order is automatically transmitted when the user is within the proximity of the trader terminal(Fig 1/14)(col 4 line 66-col 5 line 14).

6. As per claim 8 Rose teaches a system according to claim 7 wherein said certain criteria includes any one of amount of use of said goods or services and the duration of use of the goods or services(col 7 lines 36-67)(Fig 5).

7. As per claim 11 Rose teaches according to claim 10 wherein information identifying the goods or services purchased by the user are transmitted together with said delivery estimation information to an electronic warehouse(col 10 lines 50-61)(col 11 lines 25-32)(col 10 lines 31-41).

8. As per claim 12 Rose teaches a system according to claim 11 wherein the electronic warehouse allocates goods or services on the basis of information identifying the goods or services purchased

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by the user and initiates delivery of the goods or services on the basis of the delivery destination information for collection by the user(col 8 lines 1-11)(Fig 6A)(Fig 5)(col 10 lines 31-41).

9. As per claim 13 Rose teaches a system according to claim 12 wherein the transfer of funds including reserved funds of the user to the trader takes place upon completion of delivery or acceptance by the user of the goods or services(Fig 9/264)(col 10 line 31-41).

10. As per claim 29 Rose teaches a system according to claim 28 wherein said transaction is reversed by accessing a database of the service provider through a communications system operating between the trader and service provided for a full refund to the user(Fig 7)(col 9 line 51-col 10 line 8).

11. As per claim 30, Rose teaches a system according to claim 29 wherein said database stores information relating to each transaction by an identification code(col 5 lines 17-52)(Fig 4A/102/100)(Fig 4B/200/202)(col 6 lines 5-50)(col 8 lines 40-45)(Fig 6C/142).

***Claim Rejections - 35 USC § 112***

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 3-7,9-10,14-28, 31-35,38-56 are further rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that they fail to point out specifically what is included or excluded by the claim language. These claims are omnibus claims. They do not relate to unique previously expressed anterior claims but are multiply dependent.

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*Conclusion*

**14. THIS ACTION IS MADE NON FINAL.**

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15. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703)-308-6296 or 6306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3900.

GRA

April 13, 2002